

PART 1710—LAND REGISTRATION

Subpart A—General Requirements

- Sec.
- 1710.1 Definitions.
- 1710.3 General applicability.
- 1710.4 Exemptions—general.
- 1710.5 Statutory exemptions from the provisions of this chapter.
- 1710.6 One hundred lot exemption.
- 1710.7 Twelve lot exemption.
- 1710.8 Scattered site subdivisions.
- 1710.9 Twenty acre lots.
- 1710.10 Single-family residence exemption.
- 1710.11 Manufactured home exemption.
- 1710.12 Intrastate exemption.
- 1710.13 Metropolitan Statistical Area (MSA) exemption.
- 1710.14 Regulatory exemptions.
- 1710.15 Regulatory exemption—multiple site subdivision—determination required.
- 1710.16 Regulatory exemption—determination required.
- 1710.17 Advisory opinion.
- 1710.18 No action letter.
- 1710.20 Requirements for registering a subdivision—Statement of Record—filing and form.
- 1710.21 Effective dates.
- 1710.22 Statement of record—initial or consolidated.
- 1710.23 Amendment—filing and form.
- 1710.29 Use of property report—misstatements, omissions or representation of HUD approval prohibited.
- 1710.35 Payment of fees.
- 1710.45 Suspensions.

Subpart B—Reporting Requirements

- 1710.100 Statement of Record—format.
- 1710.102 General instructions for completing the Statement of Record.
- 1710.103 Developer obligated improvements.
- 1710.105 Cover page.
- 1710.106 Table of contents.
- 1710.107 Risks of buying land.
- 1710.108 General information.
- 1710.109 Title to the property and land use.
- 1710.110 Roads.
- 1710.111 Utilities.
- 1710.112 Financial information.
- 1710.113 Local services.
- 1710.114 Recreational facilities.
- 1710.115 Subdivision characteristics and climate.
- 1710.116 Additional information.
- 1710.117 Cost sheet, signature of Senior Executive Officer.
- 1710.118 Receipt, agent certification and cancellation page.
- 1710.200 Instructions for Statement of Record, Additional Information and Documentation.
- 1710.208 General information.
- 1710.209 Title and land use.

- 1710.210 Roads.
- 1710.211 Utilities.
- 1710.212 Financial information.
- 1710.214 Recreational facilities.
- 1710.215 Subdivision characteristics and climate.
- 1710.216 Additional information.
- 1710.219 Affirmation.
- 1710.310 Annual report of activity.

Subpart C—Certification of Substantially Equivalent State Law

- 1710.500 General.
- 1710.503 Notice of certification.
- 1710.504 Cooperation among certified states and between certified states and the Secretary.
- 1710.505 Withdrawal of State certification.
- 1710.506 State/Federal filing requirements.
- 1710.507 Effect of suspension or withdrawal of certification granted under §1710.501(a): Full disclosure requirement.
- 1710.508 Effect of suspension of certification granted under §1710.501(b): Sufficient protection requirement.
- 1710.552 Previously accepted state filings.
- 1710.556 Previously accepted state filings—amendments and consolidations.
- 1710.558 Previously accepted state filings—notice of revocation rights on property report cover page.
- 1710.559 Previously accepted state filings—notice of revocation rights in contracts and agreements.

AUTHORITY: 15 U.S.C. 1718; 42 U.S.C. 3535(d).

Subpart A—General Requirements

AUTHORITY: Sec. 1419, Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 598; 15 U.S.C. 1718; sec. 7(d), Dept. of Housing and Urban Development Act, 42 U.S.C. 3535(d).

§ 1710.1 Definitions.

(a) *Statutory terms.* All terms are used in accordance with their statutory meaning in 15 U.S.C. 1702 or with part 5 of this title, unless otherwise defined in paragraph (b) of this section or elsewhere in this part.

(b) *Other terms.* As used in this part: *Act* means the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701.

Advisory opinion means the formal written opinion of the Secretary as to jurisdiction in a particular case or the applicability of an exemption under §§1710.5 through 1710.15, based on facts submitted to the Secretary.

Available for use means that in addition to being constructed, the subject facility is fully operative and supplied

§ 1710.3

with any materials and staff necessary for its intended purpose.

Beneficial property restrictions means restrictions that are enforceable by the lot owners and are designed to control the use of the lot and to preserve or enhance the environment and the aesthetic and economic value of the subdivision.

Date of filing means the date a Statement of Record, amendment, or consolidation, accompanied by the applicable fee, is received by the Secretary.

Good faith estimate means an estimate based on documentary evidence. In the case of cost estimates, the documentation may be obtained from the suppliers of the services. In the case of estimates of completion dates, the documentation may be actual contracts let, engineering schedules, or other evidence of commitments to complete the amenities.

Lot means any portion, piece, division, unit, or undivided interest in land located in any State or foreign country, if the interest includes the right to the exclusive use of a specific portion of the land.

OILSR means the Interstate Land Sales Registration program.

Owner means the person or entity who holds the fee title to the land and has the power to convey that title to others.

Parent corporation means that entity which ultimately controls the subsidiary, even though the control may arise through any series or chain of other subsidiaries or entities.

Principal means any person or entity holding at least a 10 percent financial or ownership interest in the developer or owner, directly or through any series or chain of subsidiaries or other entities.

Rules means all rules adopted pursuant to the Act, including the general requirements published in this part.

Sale means any obligation or arrangement for consideration to purchase or lease a lot directly or indirectly. The terms "sale" or "seller" include in their meanings the terms "lease" and "lessor".

Senior Executive Officer means the individual of highest rank responsible for the day-to-day operations of the developer and who has the authority to bind

24 CFR Ch. X (4–1–04 Edition)

or commit the developing entity to contractual obligations.

Site means a group of contiguous lots, whether such lots are actually divided or proposed to be divided. Lots are considered to be contiguous even though contiguity may be interrupted by a road, park, small body of water, recreational facility, or any similar object.

Start of construction means breaking ground for building a facility, followed by diligent action to complete the facility.

[61 FR 13597, Mar. 27, 1996]

§ 1710.3 General applicability.

Except in the case of an exempt transaction, a developer may not sell or lease lots in a subdivision, making use of any means or instruments of transportation or communication in interstate commerce, or of the mails, unless a Statement of Record is in effect in accordance with the provisions of this part. In non-exempt transactions, the developer must give each purchaser a printed Property Report, meeting the requirements of this part, in advance of the purchaser's signing of any contract or agreement for sale or lease.

(Approved by the Office of Management and Budget under control number 2502-0243)

[45 FR 40479, June 13, 1980, as amended at 49 FR 31368, Aug. 6, 1984]

§ 1710.4 Exemptions—general.

(a) The exemptions available under §§ 1710.5 through 1710.16 are not applicable when the method of sale, lease or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act.

(b) With the exception of the sales or leases which are exempt under § 1710.5, the anti-fraud provisions of the Act (15 U.S.C. 1703(a)(2)) apply to exempt transactions. The anti-fraud provisions make it unlawful for a developer or agent to employ any device, scheme, or artifice to:

(1) Defraud;

(2) To obtain money or property by means of any untrue statement of a material fact, or